

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JASMINE HEDAYA SHAIR,

Plaintiff,

v.

Case No: 8:21-cv-2764-JSS

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____/

ORDER

THIS MATTER is before the court on Defendant's Unopposed Motion for Remand ("Motion"). (Dkt. 15.) In the Motion, Defendant Commissioner of Social Security ("Commissioner") requests, pursuant to sentence six of 42 U.S.C. § 405(g), that this action be remanded to the Commissioner because "the claim file of the [Administrative Law Judge's ("ALJ")] decision dated February 5, 2020 and the recording of the hearing held on January 21, 2020 cannot be located at this time." (Dkt. 15.) The Commissioner further states that upon receipt of this court's order, the Appeals Council "will remand the case to an ALJ or re-construct the record, and if unable to do so, hold a *de novo* hearing and issue a new decision." (*Id.*) Plaintiff has no objection to the requested relief. (*Id.*)

Sentence six of § 405(g) provides, in pertinent part, that the court may "on motion of the Commissioner of Social Security made for good cause shown before the Commissioner files the Commissioner's answer, remand the case to the Commissioner

of Social Security for further action by the Commissioner of Social Security.” 42 U.S.C. § 405(g).

The court finds good cause to remand this case to the Commissioner for further proceedings and the Commissioner has not yet filed an answer. Accordingly, it is

ORDERED:

1. The Commissioner’s Unopposed Motion for Remand (Dkt. 15) is **GRANTED**.
2. The decision of the Commissioner is **REMANDED** to the Commissioner pursuant to sentence six of 42 U.S.C. § 405(g) for further proceedings consistent with this order and the Commissioner’s Motion (Dkt. 15).
3. The Clerk is directed to administratively close this case pending resolution of the proceedings on remand.
4. The court shall retain jurisdiction over this matter for further proceedings, should they be deemed necessary by either party. In the event this matter is resolved by final decision or agreement of the parties, the parties shall notify the court by filing a status report within fifteen (15) days of the final disposition.

DONE and **ORDERED** in Tampa, Florida, on April 12, 2022.



JULIE S. SNEED
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Counsel of Record